United Nations S/2005/788

Security Council

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The Security Council,

Reaffirming all its previous relevant resolutions, including resolutions 1595 (2005) of 7 April 2005, 1373 (2001) of 28 September 2001, and 1566 (2004) of 8 October 2004, and reaffirming in particular resolution 1636 (2005) of 31 October 2005,

Reaffirming its strongest condemnation of the 14 February 2005 terrorist bombing, as well as of all other terrorist attacks in Lebanon since October 2004, and reaffirming also that all those involved in these attacks must be held accountable for their crimes,

Having examined carefully the report of the International Independent Investigation Commission (S/2005/775) ("the Commission") concerning its investigation into the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed former Lebanese Prime Minister Rafiq Hariri and 22 others, and caused injury to dozens of people,

Commending the Commission for the outstanding professional work it has accomplished under difficult circumstances in assisting the Lebanese authorities in their investigation of this terrorist act, and commending in particular Detlev Mehlis for his leadership in the discharge of his duties as the Head of the Commission and for his dedication to the cause of justice,

Reiterating its call upon all States to extend to the Lebanese authorities and to the Commission the assistance they may need and request in connection with the inquiry, and in particular to provide them with all relevant information they may possess pertaining to this terrorist attack,

Acknowledging the letter of the Prime Minister of Lebanon to the Secretary-General of 5 December 2005 (S/2005/762) requesting that the mandate of the Commission be extended for a further period of six months, with a possibility of an additional extension as necessary, to enable the Commission to continue to assist the competent Lebanese authorities in the ongoing investigations of the crime, and to explore possible follow-up measures in order to bring the perpetrators of the said crime to justice, and acknowledging also the concurrent recommendation of the Commission in that regard,

05-64714 (E) 151205

Acknowledging also the letter of the Prime Minister of Lebanon to the Secretary-General of 13 December 2005 (S/2005/783) requesting the establishment of a tribunal of an international character to try all those who are found responsible for this terrorist crime and requesting also that the mandate of the Commission be expanded or that another international investigation Commission be created, to investigate the terrorist attacks that took place in Lebanon since 1 October 2004,

Noting that Syrian authorities made available Syrian officials for questioning, but deeply concerned at the Commission's assessment of Syrian performance to date, and noting that the Commission is still awaiting the provision of other requested materials from Syrian authorities,

Reaffirming its determination that this terrorist act and its implications constitute a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Welcomes* the report of the Commission;

2. *Decides*, as recommended by the Commission and requested by the Lebanese Government, to extend the mandate of the Commission, as set forth in resolutions 1595 (2005) and 1636 (2005), initially until 15 June 2006;

3. *Takes note of* the progress of the inquiry achieved since the Commission's last report to the Council, and notes with extreme concern that, while the inquiry is not yet complete, it confirms its previous conclusions and that the Syrian Government has yet to provide the Commission with the full and unconditional cooperation demanded in resolution 1636 (2005);

4. *Underscores* Syria's obligation and commitment to cooperate fully and unconditionally with the Commission, and specifically demands that Syria responds unambiguously and immediately in those areas adduced by the Commissioner and also that it implements without delay any future request of the Commission;

5. *Requests* the Commission to report to the Council on the progress of the inquiry every three months from the adoption of this resolution, including on the cooperation received from the Syrian authorities, or anytime before that date if the Commission deems that such cooperation does not meet the requirements of this resolution and of resolutions 1595 and 1636;

6. *Acknowledges* the Lebanese Government's request that those eventually charged with involvement in this terrorist attack be tried by a tribunal of an international character, requests the Secretary-General to help the Lebanese Government identify the nature and scope of the international assistance needed in this regard, and requests also the Secretary-General to report to the Council in a timely manner;

7. *Authorizes* the Commission, following the request of the Lebanese Government, to extend its technical assistance as appropriate to the Lebanese authorities with regard to their investigations on the terrorist attacks perpetrated in Lebanon since 1 October 2004, and requests the Secretary-General in consultations with the Commission and the Lebanese Government to present recommendations to expand the mandate of the Commission to include investigations of those other attacks;

8. *Requests* the Secretary-General to continue to provide the Commission with the support and resources necessary for the discharge of its duties;

9. *Decides* to remain seized of the matter.